

**CALENDAR ITEM  
INFORMATIONAL**

**98**

A	Statewide	04/20/17
S	Statewide	S. Pemberton

**INFORMATIONAL REPORT ON EFFORTS TO UPDATE THE  
COMMISSION'S ENVIRONMENTAL JUSTICE POLICY**

**INTRODUCTION:**

The California State Lands Commission manages over 120 rivers and sloughs, 40 lakes, the tidelands and submerged lands along the entire coast of California, and desert and other inland parcels granted to the State. In managing its lands, the Commission recognizes that projects and decisions are inextricably tied to the communities in which the projects occur. Throughout California's (and the nation's) history, the interests of those with political and financial influence have often overshadowed the health and interests of traditionally marginalized communities, whether along ethnic or economic lines. In keeping with its commitment to environmental sustainability and access to all, California was one of the first states to codify the concept of environmental justice in statute. Beyond the fair treatment principles described in statute, leaders in the environmental justice movement work to include in the decision-making process those individuals disproportionately impacted by project effects. The goal is that through equal access to the decision-making process, everyone has equal protection from environmental and health hazards and can live, learn, play, and work in a healthy environment.

Environmental Justice means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environment laws, regulations, and policies. In 2002, The Commission adopted an environmental justice policy to help inform its decisions with respect to these principles. ([Calendar Item 71, October 1, 2002](#)) Since then, much has changed with respect to how state and local governments incorporate and consider environmental justice in policies and decisions. In particular, challenges related to climate change, including sea-level rise, drought, air quality, and energy production require careful consideration of how traditionally marginalized communities may be affected.

Climate change and its effects are causing rising seas and more hazardous storms and flooding, and exacerbating heat waves, drought, wildfires, and

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drinking water shortages. California has established ambitious greenhouse gas reduction targets and implemented a cap-and-trade program to aggressively reduce emissions associated with climate change. This program requires that twenty-five percent of cap-and-trade revenues are used to fund projects in disadvantaged and low-income communities.<sup>1</sup> These measures explicitly address environmental justice issues related to climate change, which disproportionately affects disadvantaged communities.<sup>2</sup>

Many elements of the Commission's strategic plan involve activities and land stewardship goals consistent with environmental justice principles. They include reducing carbon emissions by facilitating renewable energy development; increasing public access to trust lands; incorporating strategies in its planning processes, project analyses, and decisions to address climate change, adapt to sea-level rise, incentivize water conservation, reduce greenhouse gas emissions and marine debris; and to build strategic partnerships with trustee ports, harbor districts, grantees and lessees to facilitate opportunities to responsibly enhance the economy. A particularly relevant goal is committing to early and meaningful collaboration with local, state and federal agencies, California Native American Tribes, local and regional communities, and all individuals disproportionately impacted by environmental pollution. Another is to work with grantees, relevant local, state, and federal agencies and nongovernmental organizations to ensure that port policies and programs are consistent with Executive Order B-32-15, including the Freight Mobility Plan, the Sustainable State Pathways to Zero and Near-Zero-Emissions and the California Energy Commission's Integrated Energy Policy Report. Over the coming months, Commission staff will work to ensure these goals are reflected in an updated environmental justice policy or set of principles.

In 2016, legislation was enacted to require local governments with disadvantaged communities, as defined in statute, to incorporate environmental justice into their general plans when two or more general plan elements (sections) are updated. The Governor's Office of Planning and Research, the lead state agency on planning issues, is developing updated guidance for local jurisdictions to incorporate environmental justice matters into their general plans and will be working with state agencies, local governments, and many partners throughout 2017 to create a technical assistance document. Legislation was also enacted in

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<sup>1</sup> SB 535 (De Leon), Chapter 830, Statutes of 2012

<sup>2</sup> Office of Environmental Health Hazard Assessment 2013 Report entitled "Indicators of Climate Change in California;" <https://oehha.ca.gov/media/downloads/risk-assessment/document/climatechangeindicatorsreport2013.pdf>

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2016 to allow the California Coastal Commission to address environmental justice concerns when acting on coastal development permits, and to require one gubernatorial appointee to reside in and work directly with vulnerable communities.<sup>3</sup> Now, the Coastal Commission is developing an environmental justice policy. Commission staff plans to work closely with their staff by sharing information and insight regularly, possibly co-hosting public workshops in locations of shared jurisdiction, and coordinating on specific policy elements to ensure consistency.

Commission staff has developed initial environmental justice principles, which are outlined below, to begin the process of soliciting public feedback. In updating its environmental justice policy, staff intends to conduct a multi-month outreach effort that includes ensuring opportunities at Commission meetings for interested persons to provide input; targeted outreach meetings and telephone calls with environmental justice organizations, state agencies, and individuals; and, if warranted, public workshops in targeted locations, such as the north, south, and central coast, the Delta, the Colorado River, and Southern California and desert areas where there are school lands. In addition, staff is seeking to increase its understanding of where its lands are in relation to vulnerable communities and how its activities, leases, and permits could affect those communities. The California Environmental Protection Agency's Office of Health Hazard Assessment developed a screening tool, CalEnviroScreen, that evaluates the collective burdens of multiple sources of pollution by census tract. Staff is using this tool to identify where the Commission has leases or jurisdiction that are in or near vulnerable areas. Staff has created a geodatabase with the CalEnviroScreen census tract areas that intersect or are near leases and an initial geographic information system map with ranked areas of concern.

Through this collaboration, outreach, and research, staff expects to develop a modern and comprehensive environmental justice policy to present to the Commission at its December 2017 meeting.

### **ENVIRONMENTAL JUSTICE POLICY UPDATE OVERVIEW:**

Commission staff has developed these initial draft principles to guide the development of the environmental justice policy update.

- Develop a plan for identifying when environmental justice communities may be adversely impacted by Commission decisions.

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<sup>3</sup> AB 2616 (Burke), Chapter 578, Statutes of 2016; SB 1000 (Levy), Chapter 587, Statutes of 2016.

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- Assure meaningful community representation in the Commission's decision-making process, beginning at the earliest possible time.
- Explore new ideas and seek guidance and information from local, state and federal entities who have environmental justice expertise, and identify effective strategies to integrate environmental justice concepts into the Commission's decisions and to resolve environmental justice issues. Build on available resources and technology to develop an environmental justice action plan to aid the Commission in putting these principles into practice.
- Stay apprised of the latest technology and tools to increase and maximize public participation and accessibility; explore opportunities to promote environmental justice, and forge relationships with traditionally marginalized communities and others that typically have not participated in the Commission's decision-making process.
- Recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the environmental effects of a proposed action or decision.
- Provide staff training and education about environmental justice to ensure staff clearly understands environmental justice issues associated with the Commission's actions.
- Provide outreach to environmental justice communities about the Commission, its jurisdiction, and its land and resource management responsibilities, including the Public Trust Doctrine and its guiding principle that trust lands belong to the public and are meant to be managed for the benefit of all people.
- Strive to provide information in multiple languages for which the Commission receives public comment.
- Include environmental justice as a component in the Commission's environmental review process under the California Environmental Quality Act. Promote the exploration of creative solutions that achieve project objectives while minimizing adverse impacts to disadvantaged communities.
- Include terms in leases and approvals that provide for, protect, and enhance public access to sovereign lands and waterways.

### **PROPOSED PROCESS:**

Commission staff has started identifying environmental justice groups in different regions and engaging with state agencies and other organizations whose input will shape the revised policy, including the Governor's Office of Planning and Research, the California Environmental Protection Agency, the Resources Legacy Fund, the West Oakland Environmental Indicators Project, and the California Environmental Justice Alliance. Staff has also started identifying

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impacted areas to help determine where to focus its outreach. In the upcoming months, staff will solicit feedback from the environmental justice community to determine a preferred and effective method of collaboration. Staff will be flexible so outreach is responsive to stakeholder needs. The next four Commission meetings will be additional forums for providing input. The outreach sessions and Commission meetings will give staff input that will be integrated into a recommendation for a final policy the Commission may consider adopting at its December 2017 meeting.

Tentative timeline for outreach to inform the development of the environmental justice policy:

March/April/May:

- Identify and engage with individuals and organizations in disadvantaged communities in which the Commission has jurisdiction to develop a stakeholder database for outreach purposes.
- Solicit input and comments from organizations in the San Francisco Bay and Oakland areas as part of the Commission's April 20 meeting in Berkeley. Commission staff has started contacting environmental justice organizations in these areas.
- Begin to plan and schedule outreach sessions for the following general geographic areas:
  - Southern California
  - Needles, California
  - Northern California
  - Central Valley
  - Sacramento/Delta Area
- Where feasible, coordinate and jointly host outreach sessions with the California Coastal Commission in areas where there is shared jurisdiction.

June/July/August:

- Host outreach sessions with individuals and organizations to receive input on necessary elements and principles that should be incorporated into the environmental justice policy.
- Engage with organizations in Southern California to solicit input and comment as part of the Commission's June and August meetings in Southern California.

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- Contact organizations in San Diego to solicit input and comment in advance of the Commission's October meeting in San Diego.

September/October/November:

- Prepare draft environmental justice policy and publish for public comment.
- Review comments received on draft; follow up with organizations and individuals as necessary.
- Prepare final draft environmental justice policy for consideration by the Commission at its December meeting in Sacramento.